

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06-CR-00364-RJC

USA

v.

MARTINEZ ORLANDIS BLACK

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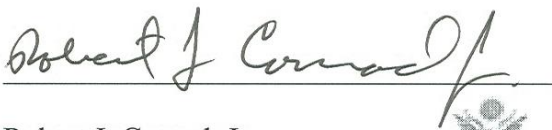
ORDER

THIS MATTER is before the Court upon the defendant's motions for jail credit. (Doc. Nos. 32, 35).

The Court sentenced the defendant for a violation of 18 U.S.C. § 922(g)(1) on August 28, 2007, while a state murder charge was pending. (Doc. No. 21: Sent. Hr'g Tr. at 21). He now claims that sentence should be vacated and a concurrent sentence be imposed under USSG §5G1.3(b), the Double Jeopardy Clause, and the Due Process Clause because the state case was relevant conduct to the federal case. (Doc. No. 35: Motion at 2-4). The Court denied a previous request for retroactive designation to make his federal sentence concurrent with the subsequent state sentence. (Doc. No. 24: Motion; Doc. No. 25: Order). Because the instant motions attack a final judgment, the claims must be raised pursuant to 28 U.S.C. § 2255.

IT IS, THEREFORE, ORDERED that the defendant's motions, (Doc. Nos. 32, 35), are **DISMISSED**. The Clerk of Court is directed to send the defendant a copy of the Pro Se Prisoner 2255 Motion to Vacate Form at the place of his incarceration.

Signed: March 9, 2023



Robert J. Conrad, Jr.

United States District Judge